

Express Mail No. EV 453252642 US

REMARKS

Upon entry of this amendment, claims 1, 2, and 17-24 are pending and under consideration. Claims 38 and 40-49 were cancelled by this amendment. In canceling this subject matter from this application, applicants are not conceding the propriety of any rejection made in the pending Office action and applicants expressly reserve the right to pursue the remaining subject matter through one or more divisional applications. Claims 3-16, 25-37, and 39 were cancelled in Amendment A.

Claims 1, 2, 17, 18, 20 and 21 were amended to improve the form of the claim. In addition, the definition of Y⁰ was amended in claim 23 to reintroduce certain groups that were inadvertently deleted in Amendment A. The reintroduced groups were present in the claim as originally filed and are consistent with applicants' election of the Group 6 claims in response to the restriction requirement. No new matter was introduced by any of these amendments.

Response to Amendment A Issues

As claims 38 and 40-49 have been cancelled by this Amendment B, any inconsistency in the claim identifiers and/or numbering found in Amendment A for claims 49 and 50 is moot.

Rejection Based on 35 U.S.C. § 112

Reconsideration is respectfully requested of the rejection of claims 38 and 40-49 under 35 U.S.C. § 112, first paragraph. Without conceding the propriety of the rejection, and in an effort to expedite prosecution, applicants have cancelled claims 38 and 40-49 thereby rendering this rejection moot.

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Provisional Double Patenting Rejection

Reconsideration is requested of the provisional rejection of claims 1, 2, 17-24, 38, and 40-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 17-24 and 38-39 of copending Application No. 10/215,292. Applicants believe that this Amendment B places the pending claims in condition for allowance. Thus, the provisional double patenting rejection should be the sole remaining ground for rejection. According to the MPEP, "[i]f the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." MPEP '804(I)(B).

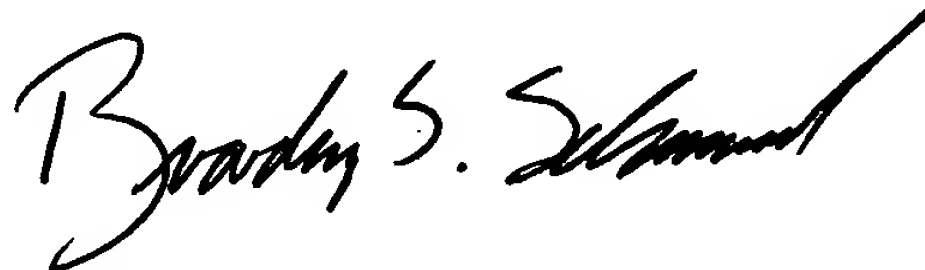
Applicants respectfully request that the present application be allowed to issue and the provisional double patenting rejection in copending Application No. 10/215,292 be converted into a double patenting rejection.

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CONCLUSION

In light of the foregoing, applicants request entry of the claim amendments and withdrawal of all claim rejections and objections, and solicit an allowance of the claims. The Examiner is invited to contact the undersigned attorney should any issue remain unresolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley S. Schammel". The signature is written in a cursive, flowing style.

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